

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

_____)	
RICHARD E. KAPLAN,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 04-10402-NMG
)	
)	
FIRST HARTFORD CORPORATION,)	
)	
<i>Defendant.</i>)	
_____)	

**DEFENDANT FIRST HARTFORD CORPORATION'S
MOTION TO CONSOLIDATE**

Defendant First Hartford Corporation respectfully moves this Court to consolidate the above entitled action, Richard E. Kaplan v. First Hartford Corporation, Civil Action No. 04-10402-NMG with Richard E. Kaplan v. First Hartford Corporation, Civil Action No. 05-10320-NMG, for all purposes, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. The Court should grant this motion to consolidate because both actions share identical parties and virtually identical issues of fact and law, and consolidation would best serve the interests of judicial and party economy without causing prejudice to either party.

WHEREFORE, FHC moves that this Court to grant its Motion to Consolidate.

Respectfully submitted,

FIRST HARTFORD CORPORATION

By its attorneys,

/s/ Jonathan I. Handler

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-and-

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Dated: May 27, 2004

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I, Jonathan I. Handler, counsel for the Defendant, First Hartford Corporation, hereby certify that I conferred with Larry C. Kenna, counsel for Plaintiff Richard E. Kaplan, in a good faith effort to resolve or narrow the issues raised in this motion, but that we were unsuccessful in doing so.

/s/ Jonathan I. Handler
Jonathan I. Handler

CERTIFICATE OF SERVICE

I, Jonathan I. Handler, hereby certify that on this 27th day of May, I served a true and correct copy of the foregoing *Motion to Consolidate* via first class mail on Larry C. Kenna, Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts, 02109.

/s/ Jonathan I. Handler
Jonathan I. Handler